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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Reorganization and Revision of)
Part 1, 2, 21, and 94 of)
The Rules to Establish a New)
Part 101 Governing Terrestrial)
Microwave Fixed Radio Services)

WT Docket No. 94-148

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Comments of
CELLULAR COMMUNICATIONS OF PUERTO RICO, INC.

To: The Commission

Cellular Communications of Puerto Rico, Inc. ("CCPR") hereby submits these comments in response to the *Notice of Proposed Rulemaking* in the above-captioned Docket (FCC 94-314, released December 28, 1994) (hereinafter, "NPRM"). CCPR, through its affiliates, is the nonwireline licensee in eleven of the twelve cellular MSAs and RSAs in the Commonwealth of Puerto Rico and in both RSAs in the United States Virgin Islands. Affiliates of CCPR are licensed under Part 21 of the Commission's Rules to operate an extensive microwave network in support of these cellular facilities. Accordingly, the Commission's proposed revisions to its point-to-point microwave rules will directly affect CCPR and its ability to provide cellular radiotelephone service to the public.

CCPR wholeheartedly supports the Commission's efforts to streamline and simplify the application and licensing process in the point-to-point microwave

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service. CCPR respectfully submits that the additional proposals recommended in these comments would further the Commission's goals.

1. The Commission Should Simplify its Application Form and Procedures.

CCPR strongly supports the Commission's proposals to eliminate financial showings,¹ public interest showings,² copies of local authorizations,³ showings regarding control over the station,⁴ vertical profile sketches,⁵ and site availability showings⁶ from its point-to-point microwave applications.⁷ Furthermore, CCPR believes that the address and telephone number of a maintenance center is unnecessary because the address and telephone number of the licensee provided in the application and generally listed in telephone directories provides all the

¹ Sections 21.13(a)(2) and 21.17.

² Section 21.13(a)(4).

³ Section 21.13(f).

⁴ Section 21.13(g).

⁵ Section 21.15(c).

⁶ Section 21.15(a).

⁷ NPRM at 5.

information necessary to contact the licensee in the unlikely event that interference from the microwave facilities creates an emergency situation.⁸

With this reduction in information, the Commission's Form 494 must be revised. This will give the Commission an opportunity to further streamline and simplify the application process. CCPR recommends a single-page replacement form containing only the following information:

- The applicant's name, address, and phone number.
- The contact representative's name, address, and phone number.
- The name and call sign of the station.
- Fee processing information.
- The "antenna structure registration number."⁹
- For each microwave path from the station that is the subject of the application:
 - the name and call sign of the receive station;
 - a "frequency coordination reference number" and the completion date of frequency coordination.

⁸ Section 21.15(e)(1).

⁹ See Streamlining the Commission's Antenna Structure Clearance Procedure, FCC 95-16 (Notice of Proposed Rule Making, Released January 20, 1995).

- A statement that the proposed application would not have a significant environmental effect or disturb a Quiet Zone or require a waiver. If the statement cannot be made, the application would include an exhibit explaining why it cannot be made.
- The certifications of the applicant.

CCPR proposes that frequency coordinators be required to issue "frequency coordination reference numbers" for each path that they coordinate and to include that number on each "path data sheet" containing the information required by new Section 101.103(d)(2)(ii) and on the "supplemental showing" certifying the completion of coordination. Inclusion of the path data sheets should be required with every point-to-point microwave application. Because all technical information regarding the proposed facilities would be contained on the path data sheets, it would be unnecessary to duplicate this information on the application itself. The reference number would enable applications to be easily matched with path data sheets.

Furthermore, once the Commission implements an electronic filing system,¹⁰ the frequency coordination reference number will act as a convenient key for data retrieval from databases maintained by the Commission, frequency coordinators, or licensees. In an electronic filing regime, the database of

¹⁰ See NPRM at 5.

coordination information would replace the signed "supplemental showing" statements now issued by frequency coordinators. The inclusion of the reference number on the electronic application would constitute certification of frequency coordination. By referencing this number, a list of parties who were contacted by the coordinator could be retrieved.

2. The Proposed Power Limitations are in the Public Interest.

The Commission's proposal to allow a maximum Equivalent Isotropic Radiated Power ("EIRP") of +55 dBW for point-to-point microwave stations operating in bands from 4 GHz to 40 GHz¹¹ will serve the public by increasing the reliability of facilities under certain conditions. In providing reliable communications services to the public in the Caribbean islands, CCPR must design and operate its microwave network to contend with disadvantageous conditions of mountainous and jungle-like terrain with frequent, heavy rainfall. These conditions often require paths of varying length and the selection of frequencies which are least disrupted by precipitation. Often the power levels currently authorized require either time-consuming requests for waivers of the Commission's rules or force compromises in engineering which deprive the public of optimum levels of service. The Commission's proposal would provide CCPR's

¹¹ Proposed Section 101.113; NPRM at 7.

engineers with the flexibility to choose the most appropriate frequencies and power levels for the necessary applications.

3. Construction Periods Should Remain 18 Months in Length.

CCPR disagrees with the Commission's proposal to shorten the construction period for point-to-point microwave stations from 18 months¹² to 12 months.¹³ In some circumstances, the 12-month period will not give licensees sufficient time to comply with local regulatory requirements. This is particularly evident in jurisdictions, such as the Commonwealth of Puerto Rico, which do not have administrative mechanisms in place that can expedite processing, in jurisdictions that have large application backlogs or extensive local regulatory requirements, and in jurisdictions that lack predictability with regard to the time it takes to process applications. In fact, CCPR has been forced in the past to seek relief in federal court when the Commonwealth's onerous zoning regulations have hindered CCPR's service to the public while CCPR's wireline competitor was exempt from the same regulation because the Block B licensee is a division of the Commonwealth government. A shortened construction period would only exacerbate the problems of dealing with such local regulatory hurdles.

¹² Section 21.43(a)(1).

¹³ Proposed Section 101.63(a).

4. The Definition of "Temporary Fixed Station" Should Include All Fixed Station Operations Not Intended for Permanent Use.

The Commission has proposed a new definition for "Temporary Fixed Station:"

A station established in a non-permanent mode (temporary) at a specified location for a short period of time, ranging up to one year. Temporary-fixed operations are itinerant in nature, and are not to be confused with mobile-type operations.¹⁴

CCPR recommends that the following sentence be added to the definition:

Temporary fixed stations include facilities that are intended for use only until replacement facilities, including permanent microwave facilities, can be constructed and placed into operation.

From time to time CCPR has encountered dramatic increases in cellular traffic at specific locations within its service areas which demand the immediate addition of new cellular facilities to avoid disruption of high quality service to the public. These new cells must be connected to other cells and to CCPR's mobile telephone switching office ("MTSO"). CCPR has found that microwave links are the most reliable and cost efficient method of establishing such interconnection in Puerto Rico and the Virgin Islands. For instance, where landline service is available from the Puerto Rico Telephone Company, a division of the Commonwealth's government, it generally requires a waiting period of the better part of a year and rates for such lines are not economical.

¹⁴ Proposed Section 101.3.

When new cells are needed with short lead time, CCPR would like to implement "itinerant" microwave facilities to interconnect these cell sites until permanent microwave stations can be licensed and constructed. However, the Commission's staff now interprets such operations as unacceptable for licensing pursuant to a Temporary Fixed Authorization because, although the equipment and use of frequencies may be temporary, the need for the communications facility is permanent. Even though the Commission's licensing procedures are efficient and fast, other factors can delay the construction of permanent microwave facilities. Often the availability of equipment in the Caribbean is more limited than on the U.S. mainland. Additionally, zoning procedures in the Commonwealth are complex and unpredictable. In some cases, as discussed in Section 3 above, the process takes a great deal of time. In other cases, CCPR must endeavor to act quickly to take advantage of authorizations granted sooner than expected.

The alternative to operating "itinerant" microwave links under a Temporary Fixed Authorization is to apply on Forms 494 to license both the "itinerant" facility as well as the permanent microwave station. This requires additional lead time and triples the processing work for the licensee and the Commission's staff — both initial applications must be processed plus a third is subsequently needed to delete the temporary facilities. CCPR recommends the modification of the Commission's definition of "Temporary Fixed Station" detailed above to permit

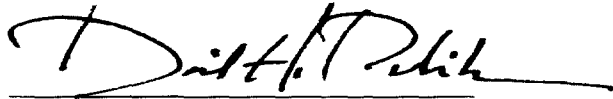
uses such as those described here and expedite the provision of improved communications services to the public.

Conclusion

CCPR supports the measures that the Commission is proposing to streamline and simplify the licensing of point-to-point microwave stations. The suggestions made above will add to the effectiveness of the ideas expressed in the Commission's NPRM and result in a greater level of service to the public.

Respectfully submitted,

CELLULAR COMMUNICATIONS OF PUERTO
RICO, INC.

A handwritten signature in black ink, appearing to read "David H. Pawlik", written over a horizontal line.

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